

# **EXHIBIT 1**

**(Email from Toyota's counsel with unilateral offer to extend  
due date for expert reports and trial by 60 days)**

**CAUSE NUMBER: 3:11-cv-0207-N**

**Submitted as Exhibit to Plaintiffs' Reply to Motion for Extension  
of Deadlines for Expert Disclosure and Discovery**

**From:** Aubrey "Nick" Pittman [mailto:pittman@thepittmanlawfirm.com]  
**Sent:** Friday, September 13, 2013 8:08 PM  
**To:** 'David Stone'; 'dWASHINGTON@dwashlawfirm.com'  
**Cc:** 'Kurt C. Kern'; 'Jude T. Hickland'; 'Brian E. Mason'  
**Subject:** RE: Greene

Counsel:

As you know, the previous trial dates were cancelled and rescheduled primarily as the result of Plaintiffs' inability to get timely discovery from Toyota, which resulted in Plaintiffs filing several motions to compel against Toyota. After discussing your proposal with our clients they have decided to decline Toyota's offer to agree to yet another trial delay due to Toyota's refusal to timely produce written and oral discovery.

**From:** David Stone [mailto:David.Stone@bowmanandbrooke.com]  
**Sent:** Friday, September 13, 2013 9:59 AM  
**To:** [pittman@thepittmanlawfirm.com](mailto:pittman@thepittmanlawfirm.com); [dWASHINGTON@dwashlawfirm.com](mailto:dWASHINGTON@dwashlawfirm.com)  
**Cc:** Kurt C. Kern; Jude T. Hickland; Brian E. Mason  
**Subject:** Greene

Counsel, as I understand it, your primary objection to the dates we have provided for the TMS witnesses (September 20 and October 4 or October 4 and 5) is your concern about your expert disclosure deadline. In an effort of address those concerns, please be advised that we are willing to stipulate to an order extending all pretrial deadlines and the trial setting by 60 days. So doing would give your experts more than enough time to consider the depositions in advance of providing their reports.

Please let me know your position on this proposal.

David P. Stone  
Partner  
Bowman and Brooke LLP  
2501 North Harwood  
Suite1700  
Dallas, TX 75201  
Main: (972) 616-1700  
Direct: (972) 616-1733  
Fax: (972) 616-1701  
Email: [David.Stone@BowmanandBrooke.com](mailto:David.Stone@BowmanandBrooke.com)  
[www.bowmanandbrooke.com](http://www.bowmanandbrooke.com)

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